



PATENTS
15311-2107

DACH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Gilbert M. Wolrich et al.)
Serial No.: 09/042,417)
Filed: March 13, 1998)
For: Reduction of Add-Pipe Logic by Op-)
erand Offset Shift)

Examiner: Firmin Backer

Art Unit: 2155

RECEIVED

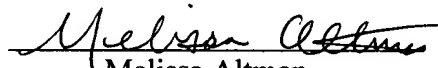
DEC 27 2004

OFFICE OF PETITIONS

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
December 17, 2004

CERTIFICATE OF MAILING

I hereby certify that the following Petition is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 17, 2004.


Melissa Altman

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicants hereby request, pursuant to 37 C.F.R. §181, that the holding of abandonment in this application be withdrawn. As set forth herein, a Terminal Disclaimer was mailed by Applicants on May 28, 2004 in response to the Decision on Appeal, which

09042417

12/22/2004 SSESHE1 00000086 082025

01 FC:2453

685.00 DA

Any fees required, including the Petition fee set forth at 37 C.F.R. §1.17(h) for a Petition to the Director and, alternatively, the Petition fee set forth at 37 C.F.R. §1.17(m) to revive an unintentionally abandoned application, are hereby authorized to be charged to Hewlett-Packard Company's deposit account no. 08-2025.

Respectfully submitted,



Michael R. Reinemann
Reg. No. 38,280
(617) 951-2500

Send all correspondence to:

IP Administration Legal Department,
M/S 35
Hewlett-Packard Co.
P.O. Box 272400
Fort Collins, CO 80527-2400

had been mailed April 26, 2004. Although the Terminal Disclaimer was received by the Patent and Trademark Office, it was apparently never matched up with this application, as a Notice of Abandonment was issued on August 30, 2004.

In support of the present Petition, Applicants state as follows:

On April 26, 2004, a Decision on Appeal was mailed in this application. A true and correct copy of the Decision is attached hereto as Exhibit A. The Decision reversed the rejection of claims 1-7 based on 35 U.S.C. §102, but sustained the obviousness-type double patenting rejection of claims 1-7. In response to the Decision, Applicants filed a Terminal Disclaimer on May 28, 2004. Attached hereto as Exhibit B is a true and correct copy of the Terminal Disclaimer, the Certificate of Mailing and the return postcard, as filed by the Applicants on May 28, 2004.

The Terminal Disclaimer disclaimed the terminal part of any patent that might issue on the present application that would extend beyond the expiration date of U.S. Patent No. 6,018,756. Accordingly, the Terminal Disclaimer overcame the obviousness-type double patenting rejection that had been sustained by the Board of Patent Appeals and Interferences. As evidenced by the returned postcard, which bears a date stamp from OIPE, the Terminal Disclaimer was received by the Patent and Trademark Office on June 1, 2004. A true and correct copy of the returned postcard bearing the OIPE date stamp of June 1, 2004 is attached hereto as Exhibit C.

Apparently, however, the Terminal Disclaimer was never matched up with this application, because a Notice of Abandonment was issued on August 30, 2004. A true and correct copy of the Notice of Abandonment is attached hereto as Exhibit D. The Notice of Abandonment mistakenly states that no response to the Decision on Appeal was

ever submitted. To the contrary, as set forth above, a Terminal Disclaimer was in fact timely filed and received by the Patent and Trademark Office.

For the reasons set forth above, Applicants respectfully request that the Notice of Abandonment be withdrawn, and that the application be returned to the examiner for further consideration.

Revival of Application

To the extent the foregoing is deemed insufficient to warrant a withdrawal of the Notice of Abandonment, Applicants hereby request that this application be revived pursuant to 37 C.F.R. §1.137(b). In this case, the required reply, i.e., the Terminal Disclaimer, is attached hereto at Exhibit B. Applicants, moreover, hereby state that the entire delay in filing the attached Terminal Disclaimer, from the due date to the date of this Petition, was unintentional.

For the reasons set forth above, Applicants alternatively request that the present application be revived and returned to the examiner for further consideration.